

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

SMI-OWEN STEEL CO., INC.	§	
	§	
V.	§	CIVIL ACTION NO. G-00-149
	§	(Consolidated with G-01-627)
ST. PAUL FIRE & MARINE INS. CO.,	§	
ET AL.	§	

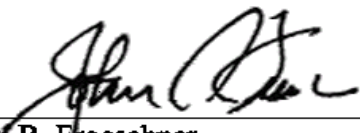
OPINION AND ORDER

Before the Court is “Marsh USA, Inc.’s Second Motion for Summary Judgment - the Statute of Limitations Bars the Negligent Procurement of the Professional Liability Policy” filed on May 3, 2006.

Having reviewed the Parties’ submissions, the Court finds that, under Rule 15(c) of the Federal Rules of Civil Procedure, SMI’s cause of action for negligent procurement of a professional liability policy asserted against Marsh for the first time in SMI’s Second Amended Complaint relates back to SMI’s timely filed Original Complaint.

It is, therefore, **ORDERED** that “Marsh USA, Inc.’s Second Motion for Summary Judgment - the Statute of Limitations Bars the Negligent Procurement of the Professional Liability Policy” (Instrument no. 244) is **DENIED**.

DONE at Galveston, Texas, this _____ 1st _____ day of June, 2006.



John R. Froeschner
United States Magistrate Judge